



November 18, 2016

**VIA CM/ECF**

Hon. Gregory H. Woods  
United States District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 2260  
New York, New York 10007

Re: *Eric Johnson v. Radio One, Inc. and Interactive One LLC*, Civil Action No. 1:16-cv-7204-GHW

Dear Judge Woods:

My firm is counsel for Defendant Interactive One LLC, the remaining Defendant in the above-captioned action. We write in response to Plaintiff's letter dated November 17, 2016, in which Plaintiff sought leave to file a motion to dismiss Defendant's Counterclaim and Fourth Affirmative Defense [Docket No. 21]. We have conferred with Plaintiff and, in order to avoid unnecessary motion practice, have agreed to amend Defendant's Answer, Affirmative Defenses, and Counterclaim [Docket No. 17] to remove Defendant's Counterclaim and Fourth Affirmative Defense, without admission or prejudice. In its amended pleading, Defendant will reserve the right to seek attorneys' fees in this action by motion pursuant to, without limitation, the Copyright Act and Local Rule 54.1(c)(7).

Under Rule 15, Defendant can amend as of right up to 21 days after service of Plaintiff's response to the Counterclaim. Defendant will submit its amended pleading by November 30, 2016 in accord with the above. This will resolve the issues raised in Plaintiff's November 17, 2016 pre-motion letter. As a result, the parties respectfully request cancellation of the teleconference scheduled for November 22, 2016 [Docket No. 23].

We are available at the Court's convenience to discuss the above. Defendant thanks the Court for considering this request.

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If this request and resolution is acceptable to the Court, Defendant respectfully requests that the Court So Order this letter.

Respectfully submitted,

*/s/ Andrew P. Zappia*

Andrew P. Zappia

cc Alexander Malbin, Esq., Counsel for Plaintiff (via ECF)